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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,481	02/07/2001	Vlad Zaharia	60,469-034; OT-4705	4707

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EXAMINER

SALATA, ANTHONY J

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,481

Applicant(s)

ZAHARIA ET AL.

Examiner

Jonathan Salata

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 2-6-03 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Paper No:12
Serial Number: 09/778481
Filing Date: February 2,2001

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-19 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The terminology of inspection device "spaced from the sheave" and "when the portion is spaced away from the sheave" does not appear to be present ⁱⁿ ~~is~~ the originally filed specification and cannot be seen other than in the newly amended claims 1,5,13.

Page 2, lines 17, merely states that the device is positioned "relative" to the sheave.

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3. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The instant specification pages 6-10, merely gives examples of placement schemes for the inspection device and clearly states on page 6, lines 7-11 and page 10, lines 3-9, that the particular location for the inspection device is subject to interpretation and that "those skilled in the art will be able to take into account the various factors that indicate ideal placement of an inspection device in a particular situation". It cannot be seen how this would comprise a structural limitation or method step.

The specification seems to imply that one of ordinary skill in the art would be able to place the sensor at the most logical position rather than state the particular steps needed to determine the precise location. Only the discussion relating to figures 2A,2B discuss the steps that determine a placement of the sensor in the best available position but this would appear to be knowledgeable to of ordinary skill in the art or material that would be available in an installation manual as no steps or structure appears present in the specification.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1,2, 4-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagami (4145920) and Hirama et al (4427940) and applicants admitted prior art.

Yamagami teaches in figures 1-6, an elevator rope wear sensor.

A cab 4 and counterweight 5 are connected by rope 3 and moved over sheave 2a.

As illustrated in figure 2, the rope 3 is made of several strands.

A detector 7 determines if the rope has worn and signals by alarm 11.

The detector is placed such that nearly all of the rope is detected which would inherently include "the portion most likely to wear". The detector 7 is placed on drive machine 2 and detects nearly all of the rope 3.

Yamagami does not illustrate the placement of the detector "away from the sheave", see above rejection under 35 USC 112.

Hirama et al teaches a rope wear detector for an elevator which detects the internal wear of a "belt" encasing in a protective coating several wire ropes 2. As illustrated in figure 1, the detector 5 is placed away from sheaves 4A,4B.

Applicant states on page 1, lines 12-13, that ropes or belts typically include a plurality of cords which may be coated. Page 4, lines 1-2, specifically state "rope and belt are considered synonymous".

As illustrated in Yamagami, the detector 7 is placed on the drive machine 2 over the sheave 2a. In detecting nearly the entire length of the rope and as a 1:1 roping arrangement, the detection of the "most likely portion" would be inherent.

Thus, to substitute a rope shown in Yamagami for the belt shown in Hirama et al would have been an obvious engineering design choice as acknowledged by applicant.

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6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagami and Hirama et al and applicants admitted prior art as applied to claim 1 above, and further in view of Saito (5025893).

Yamagami does not illustrate a sheave at the cab but in a machine room.

Saito illustrates the use of roping ratios other than 1:1 and teaches in the Background of the Invention that as such a sheave may be placed on the cab. As such, the detector would be placed on the cab sheave. Thus, to use known roping arrangements within Yamagami would have been an obvious engineering design choice to one of ordinary skill in the art.

7. Applicant's arguments filed 2-6-03 have been fully considered but they are not persuasive.

As stated above, the inclusion of the detector position and detection portion, does not appear to be supported by the originally filed specification.

The instant specification merely gives examples of conditions that would cause a belt to wear and gives several examples of belt and sheave placement in elevator systems and shows where the detector would be placed. This placement is somehow determined by the experience of the installer for every conceivable type of sheave and belt placement. Applicant does not however, claim these specific examples and it cannot be seen how the placement for these examples or any other is determined as no specific steps appear present within the specification.

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The present combination of references appears to show the claimed structure and would appear to determine the most likely portion of rope wear merely by the fact that almost all of the rope/belt is detected.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry of a **general nature or relating to the status of this application or filed papers** should be directed to the **Group receptionist whose telephone number is (703) 308-0956**.

Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center located at Crystal Plaza 4. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). The Group 2800 CP 4 Fax Center Before Final number is (703) 872-9318 or After Final number is (703) 872-9319.

For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC) whose telephone number is 800-786-9199**. Assistance is also available on the Internet at www.uspto.gov.


For requesting **copies of Cited Art, Office Actions or the like, or General Problem solving,** calls should be directed to the **TC 2800 Customer Service Office whose telephone number is 703-872-9317 or by fax at 703-872-9317.**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jonathan Salata** whose telephone number is **(703) 308-3120**. The examiner can normally be reached on Monday through Thursday from 6:30 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370.

ajs
February 24, 2003


JONATHAN SALATA
PRIMARY EXAMINER
ART UNIT 2837